

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOSEFF GENE GREEK,
Defendant.

Case No. 14-cr-00605-TEH

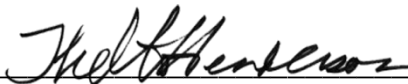
**ORDER REQUIRING
SUPPLEMENTAL BRIEFING**

This matter is currently before the Court on Defendant Joseff Gene Greek's application for an order under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. The Government filed a motion to stay consideration of Greek's application pending the Supreme Court's resolution of *Beckles v. United States*, Case No. 15-8544. Greek opposes the motion to stay.

In determining whether to grant a stay, this Court must consider whether "there is even a fair possibility that the stay . . . will work damage to some one else." *Landis v. N. Am. Co.*, 299 U.S. 248, 255 (1936). To make that determination here, the Court must consider what the revised Sentencing Guidelines range would be if Greek were to prevail on his § 2255 motion. Accordingly, IT IS HEREBY ORDERED that the parties shall meet and confer on this issue and, if they can reach agreement, file a joint statement on or before **August 8, 2016**. If the parties disagree on what the revised calculation would be, then they shall file separate statements by the same date.

IT IS SO ORDERED.

Dated: 07/28/16


THELTON E. HENDERSON
United States District Judge